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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,638	06/26/2001	Nathan E. Perry	BEI-0069US	2837
49584	7590	04/06/2007	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			ADDY, THJUAN KNOWLIN	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/891,638

**Applicant(s)**

PERRY, NATHAN E.

**Examiner**

Thjuan K. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-14 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-14 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/13/07 has been entered.
2. Applicant's amendment filed on March 13, 2007 has been entered. Claim 1 has been amended. Claims 8 and 15-21 have been cancelled. No claims have been added. Claims 1-7, 9-14, and 22-24 are now pending in this application, with claims 1, 11, and 22 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-14, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel et al (US 5,200,995), in view of Swan et al (US 6,134,310).
4. In regards to claim 1, Gaukel discloses a method for blocking at least one outgoing communication from a calling party to a calling line selected by the calling

party in connection with a [parental] control feature offered to subscribers as an outgoing call blocking service, said calling party having a calling line identification number (See Abstract), said method comprising: enabling the subscriber to select special feature codes (for example, "use of the "\*" key and "#" key allow special programming options"... See Abstract) and request that outgoing communications that relate to the special feature codes, and that originate from the calling line identification number, be blocked (See Abstract); receiving an outgoing communication related to at least one of the special feature codes, said calling line (for example, the calling line is considered as the line from which the call is being placed) associated with at least one subscriber to the outgoing call blocking service; obtaining a calling line identification number (for example, the calling line identification number is considered as the number from which the call is being place) for said received outgoing communication; obtaining a called line identification number (for example, the called line identification number is considered as the called number which is on the restricted list) for said received outgoing communication; looking for said calling line identification number associated with the received outgoing communication in a data store (for example, the data store is considered as the pre-created list of restricted number sequences) to determine data associated with said calling line identification number concerning calls from the calling line to a called line which are to be blocked; terminating the received outgoing communication if the data indicates that the received outgoing communication is to be blocked (See col. 3-4 lines 66-2); and overriding the outgoing call blocking service for at least a second single outgoing communication from the calling line in response to

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receiving an override code (See col. 4 lines 36-40). Although Gaukel teaches that special functions allow screening during only certain times, or only certain time on certain days, and can be repetitive, or one time only (See col. 16 lines 17-19), Swan more clearly and specifically disclose activating the outgoing call blocking service at a first pre-set time (i.e., 11:00 PM); and deactivating the outgoing call blocking service at a second pre-set time (i.e., 7:01 AM) (See col. 10 lines 26-44). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the method, as a way of starting an outgoing call blocking feature at a specific time, and ending the outgoing call blocking feature at a specific time. Thus, possibly making the [calling line] available for making outgoing calls to a specific number, at specified times.

5. In regards to claim 2, Gaukel discloses the method, wherein the special feature code is a star-feature code (i.e., "\*" key or "#" key) (See Abstract).

6. In regards to claim 3, Gaukel discloses the method, wherein the special feature code relates to conference call capabilities (i.e., 1-900 numbers) (See col. 4 lines 8-16).

7. In regards to claims 4 and 9, Gaukel discloses the method, wherein said data concerning calls to be blocked comprises a list of area codes to which calls are to be blocked (See col. 4 lines 14-16).

8. In regards to claim 5, Gaukel discloses the method, wherein said data concerning calls to be blocked comprises a list of at least one of a plurality of called line identification numbers of calls which are to be blocked (See col. 4 lines 28-30).

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9. In regards to claim 6, Gaukel discloses all of claim 6 limitations, except the method, wherein said data concerning calls to be blocked comprises all calls. Swan, however, does disclose wherein said data concerning calls to be blocked comprises all calls (See col. 10 lines 39-44) (for example, all outgoing calls between 11:00 PM and 7:00 AM are blocked).

10. In regards to claims 7 and 10, Gaukel discloses the method, wherein said data concerning calls to be blocked comprises all long distance calls (See col. 4 lines 17-21).

11. In regards to claims 11 and 22, the method and system of claims 11 and 22, respectively, is rejected for the same reasons as the method of claim 1. Claims 11 and 22, however, have further limitations, than claim 1, which consist of, enabling the subscriber to prohibit outgoing long-distance calls from being placed from the calling line; enabling the subscriber to prohibit outgoing calls to at least one specified area code; enabling the subscriber to allow outgoing calls only to at least one specified local telephone number; and enabling the subscriber to allow outgoing calls only to at least one specified telephone number, however, these features are taught by Gaukel.

Gaukel discloses enabling the subscriber to prohibit outgoing long-distance calls from being placed from the calling line (See col. 4 lines 17-21); enabling the subscriber to prohibit outgoing calls to at least one specified area code (See col. 14-16); enabling the subscriber to allow outgoing calls only to at least one specified local telephone number; and enabling the subscriber to allow outgoing calls only to at least one specified telephone number (See col. 4 lines 28-33).

12. In regards to claims 12, 13, and 14, Gaukel discloses the method, further comprising: prompting the caller for an authorization code (i.e., access or override code); and comparing the received authorization code with a stored authorization code for the calling line identification number (See col. 4 lines 36-40).

13. In regards to claim 23, Gaukel discloses the system, wherein the controller terminates the call if data concerning a call to the called line corresponds to data concerning calls to be blocked (See col. 3-4 lines 66-20).

14. In regards to claim 24, Gaukel discloses the system, wherein the controller completes the call if data concerning a call to the called line does not correspond to data concerning call to be blocked (See col. 4 lines 3-5).

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-7, 9-14, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rahikainen et al (US 6,085,080) teach rejection of incoming and outgoing calls in WLL terminal. Boltz (US 6,311,055) teaches a system and method for providing restrictions on mobile-originated calls. Schmersel et al (US 6,055,302) teach a system and method for incoming and outgoing interrogations for store-and-forward services.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Thjuan K. Addy", with a stylized flourish at the end.

Thjuan K. Addy  
Patent Examiner  
AU 2614